

Senator Crain raised a point of order, that the call of the Senate was out of order, pending the motion to excuse.

The point was decided not well taken.

Senator Crain appealed from the decision of the Chair.

The Chair was sustained by the following vote :

YEAS—Senators Ball, Blassingame, Burton, Francis, Ford, Grace, Henry J. R., Henry F. M., Martin, McCormick, Moore, Motley, Terrell, Wortham—14.

NAYS—Senators Brown, Crain, Edwards, Guy, Ledbetter, McCulloch, Piner, Ripetoe, Smith, Stephens—10.

NOT VOTING—Senators Brady, Douglass, Storey, Thompson—4.

Roll called.

ABSENT—Senator Brady—1.

Senator Crain moved to excuse Senator Brady and moved the previous question on the motion.

Senator Francis moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senator Brady—1.

On motion of Senator Stephens, the rules were suspended, and House Bill No. 203, entitled, "An Act supplementary to an act to create and organize the county of Somerville," approved March 13, 1875, was taken up, read third time, and passed.

Senator McCormick introduced a bill, entitled, "An Act to provide for the payment of claims for purchase of books, apparatus and furniture for public schools, made by Boards of School Directors under the authority of an act, entitled, 'An Act to establish a system of public free schools for the State of Texas,' approved August 13, 1870; and under an act entitled, "An Act to organize and maintain a system of public free schools in the State of Texas," approved April 24, 1871.

Read by caption, and referred to Committee on Finance.

Senate Bill No. 102, entitled, "An Act to amend Article 393 of an act to adopt and establish a penal code for the State of Texas," approved August 28, 1876, was taken up.

On motion of Senator Blassingame, the Senate adjourned until 9 o'clock Monday morning.

ONE HUNDREDTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 14, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of Saturday adopted.

The following bills were taken up by the Chair and referred :

House Bill No. 126—"An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1870.

Referred to Committee on Finance.

House Bill No. 407—"An Act providing for the filling of vacancies in the offices of County Treasurer, County Surveyor and Hide Inspector."

Referred to Judiciary Committee No. 1.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and found correctly engrossed the following bills:

Senate Bill No. 132—"An Act to destroy certain State bonds, to the amount of \$320,367.13, now in the Treasury, issued to the common school fund as an indemnity for warrants belonging to that fund, and destroyed during the war."

Senate Bill No. 51—"An Act to repeal Section 4 of an act entitled, 'An Act to regulate the keeping and bearing of deadly weapons,' approved April 12, 1871."

Senate Bill No. 383—"An Act to validate the acts of the Commissioners' Courts throughout the State of Texas, from the 18th of April, 1876, to the 15th of August, 1876."

Senate Bills Nos. 99 and 138—"An Act to amend Sections 3 and 4 of an act entitled, 'An Act concerning rents and advances,' approved April 4, 1874."

Senate Bill No. 342—"An Act to better define the duties and powers of the Superintendents, Stewards and Boards of Managers of the Luntic, Deaf and Dumb and Blind Asylums of the State of Texas."

STEPHENS, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and found correctly engrossed, Senate Bill No. 120, "An Act to amend Section 12 of an act entitled, 'An Act concerning proceedings in the District Courts,' approved March 16, 1848, and to repeal Section 1 of an act entitled, 'An Act further regulating proceedings in the District Courts,' approved February 5, 1858."

STEPHENS, *Chairman.*

The President *pro tem.*, after reading their captions, signed the following bills:

House Bill No. 345—"An Act to diminish the civil and criminal jurisdiction of the County Court of Angelina county, and to conform the jurisdiction of the District Court of said county to such change."

House Bill No. 436—"An Act to establish an Agricultural and Mechanical College of Texas for the benefit of the colored youths, and to make appropriations therefor."

House Bill No. 59—"An Act to amend Section 5 of 'An Act concerning rents and advances,' approved April 4, 1874."

Senator Smith in the chair.

On motion of Senator Blassingame, Senator Martin was granted an indefinite leave of absence.

On motion of Senator Brady, Senator Wortham was excused indefinitely—leave to commence in the morning.

On motion of Senator Douglass, Senator Henry of Cass was granted an indefinite leave of absence—to begin on Wednesday next.

On motion of Senator Brady, Senator Moore was excused indefinitely—leave to begin Wednesday next.

Senate Bill No. 102, "An Act to amend Article 393 of 'An Act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856," being the unfinished business, was taken up, read third time, and passed.

Senator Wortham, by leave, introduced a bill entitled: "An Act to provide for a regular term of the District Court of Rains county."

Read by caption, and referred to Judiciary Committee No. 2.

The resolution of Senator Blassingame, to elect the President *pro tem.* on the 12th inst., with an adverse report from Judiciary Committee No. 1, was taken up.

The report of the committee was adopted by the following vote, and the resolution lost:

YEAS—Senators Ball, Brady, Crain, Douglass, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Terrell, Wortham—20.

NAYS—Senator Edwards—1.

NOT VOTING—Senators Blassingame, Brown, Burton, McCulloch, Storey, Thompson—6.

Senator Henry of Cass, by leave, introduced the following resolution:

Resolved, That the Senate proceed at once to elect a President *pro tempore*, to hold his office from the close of the present session of the Legislature, in accordance with the provisions of Section 9, Article 3, of the Constitution.

Senator Terrell moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Burton, Brown, McCulloch, Storey.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 355—"An Act to amend an act entitled, 'An Act to organize the County Courts and define their powers and jurisdiction,'" approved June 16, 1876.

Substitute for House Bills Nos. 72 and 397—"An Act to establish a general apprentice law, and defining the obligations of master and mistress and apprentice."

Senate Bill No. 275—"An Act to encourage the construction of railroads in Texas by donations of lands," with an amendment.

Also, that the House has concurred in Senate amendments to House Bill No. 180—"An Act for the relief of the citizens of Montague county."

Senate amendment to House Bill No. 434—"An Act to make an appropriation for the contingent expenses of the first session of the Fifteenth Legislature."

Also, that the House has adopted the report of the Conference Committee on House Bill No. 37—"An Act regulating the duties of Tax Collectors in reference to delinquent taxes."

Senator Piner, Chairman of the Judiciary Committee No. 2, by leave, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 392, "An Act to provide for a regular term of the District Court of Rains county," have had the same under consideration, and report it back to the Senate with the recommendation that it do pass.

PINER, *Chairman.*

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill

No. 388, "An Act to change the Tenth, Twelfth and Thirteenth Judicial Districts and to create the Twenty-eighth Judicial District, and to fix the terms of court in same," have had the same under consideration, and instruct me to report it back and recommend that it do pass.

PINER, *Chairman*.

Senator Douglass, Chairman of the Committee on Internal Improvements, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Internal Improvements have had under consideration Senate Bill No. 371, "An Act to be entitled, 'An Act for the relief of the Central Narrow Gauge Railroad Company,'" and instruct me to report the same back and recommend its passage. DOUGLASS, *Chairman*.

On motion of Senator Wortham, the rules were suspended, and Senate Bill No. 392, "An Act to provide for a regular term of the District Court of Rains county," was taken up and read first time.

Senator Douglass moved to suspend the rules, and place the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Thompson, Wortham—22.

NAYS—None.

NOT VOTING—Senators Ball, Crain, Stephens, Storey, Terrell—5.

Bill read second time and ordered engrossed.

Senator Wortham moved a still further suspension of the rules to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson, Wortham—25.

NAYS—None.

NOT VOTING—Senators Crain, Storey—2.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Terrell, Thompson, Wortham—24.

NAYS—None.

NOT VOTING—Senators Crain, Smith, Storey—3.

Senator Edwards in the chair.

A message was received from the House, announcing the passage by that body of Senate Bill No. 137, entitled, "An Act to fix and regulate the fees of all the State officers of Texas and the several counties thereof."

On motion of Senator Henry of Cass, House Bill No. 411, entitled, "An Act to make appropriations for the support of the State government for the fiscal years ending August 31, 1877, 1878, and for the additional period of time ending December 31, 1878," was taken up and read second time.

The report of the committee recommending amendments, was taken up and considered *seriatim*.

The amendments 1, 2, 3 and 4, were read and adopted.

Amendment No. 5 was corrected by Senator Storey, Chairman of the Finance Committee, by inserting the word, "tax-clerk," in lieu of, "book-keeper," and, as corrected, the amendment was adopted.

The hour for the consideration of the special order, House Bill No. 339, "An Act to provide for the speedy assessment and collection of taxes upon land and real estate in cases where such property has been subject, by law, to taxation, but the assessment thereof has been omitted," having arrived, on motion of Senator Henry, it was postponed until the appropriation bill was disposed of.

The Senate being announced full, Senator Henry's resolution to elect a President *pro tem.* was taken up.

Senator Smith moved to postpone its consideration until the general appropriation bill was disposed of.

Carried by the following vote:

YEAS—Senators Ball, Brown, Burton, Crain, Douglass, Francis, Ford, Grace, Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Wortham—19.

NAYS—Senators Blassingame, Brady, Henry J. R., Henry F. M., Martin, Motley—6.

NOT VOTING—Senator Thompson—1.

Senator Edwards was paired off with Senator McLeary.

Senator Wortham, from the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have examined, and found correctly engrossed, Senate Bill No. 392, "An Act to provide for a regular term of the District Court of Rains county."

WORTHAM, for Committee.

The consideration of the general appropriation bill, No. 411, was resumed.

Senator Douglass offered the following amendment to the 6th amendment of the committee:

Amend the committee's amendment: In line 12 of "General Land Office Department," strike out the word, "fifteen."

Adopted.

President *pro tem.* in the chair.

The amendment of the committee, as amended, adopted.

The seventh, eighth, ninth and tenth amendments of the committee read and adopted.

On motion of Senator Storey, in the eleventh amendment of the committee, the words, "in line 7," were inserted.

The amendment of the committee, as amended, was adopted.

The committee amendments number twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen, were read and adopted.

On motion of Senator Storey, the nineteenth amendment of the committee was amended by inserting the words, "strike out all under head of 'Public Free Schools,' and insert."

Amendment, as amended, was adopted.

The 20th amendment was read and adopted.

The 21st amendment was lost.

The 22nd, 23rd, 24th and 25th amendments of the committee were read and adopted.

Senator Douglass offered the following amendment to the 26th amendment of the committee, as a substitute:

Insert, after the words, "Supreme Court," in line 14, the words, "\$250," and after the word, "appeals," in line 15, the words, "\$250."

Adopted.

The amendment of the committee, as amended, was adopted.

The 27th amendment of the committee, on motion of Senator Storey, was lost.

The 28th amendment of the committee was read and adopted.

Senator Storey offered the following amendment to the 29th amendment of the committee:

Amend line 21 so as to read, in first and second columns, "\$2,000," and in third column, "\$666.66 $\frac{2}{3}$."

Adopted.

The amendment of the committee, as amended, was adopted.

The 30th, 31st and 32nd amendments of the committee were read and adopted.

Senator Wortham, from the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem of the Senate:

Your Committee on Engrossed Bills have carefully examined, read and compared, and found correctly engrossed, the following bill:

Senate Bill No. 385—"An Act to provide for the survey and sale of certain personal property belonging to the State."

WORTHAM, *for Committee.*

The 33rd amendment of the committee was considered.

Senator Crain moved the previous question on the amendment.

Seconded.

Main question ordered.

The said amendment was lost by the following vote:

YEAS—Senators Brady, Brown, Crain, Ford, Ledbetter, McCulloch, Piner, Ripetoe, Stephens, Storey—10.

NAYS—Senators Ball, Blassingame, Edwards, Francis, Grace, Henry J. R., Henry F. M., Martin, McCormick, Moore, Motley, Wortham—12.

NOT VOTING—Senators Burton, Douglass, Smith, Terrell, Thompson—5.

Senator Edwards moved to reconsider the vote just taken by which the 33rd amendment was lost.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and found correctly engrossed, Senate Joint Resolution No. 386.

STEPHENS, *Chairman.*

The President *pro tem.*, after reading their captions, signed the following bills:

House Bill No. 77—"An Act to define the duties, qualifications and liabilities of Assessors of Taxes, and to regulate their compensation."

House Bill No. 24—"An Act defining what money and property is subject to taxation or exemption, and the mode of listing the same."

House Bill No. 186—"An Act to amend an act entitled, 'An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858."

House Bill No. 180—"An Act for the relief of the citizens of Montague county."

Senator Grace in the chair.

On motion of Senator Brady, the Senate adjourned until 4 o'clock this afternoon.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present.

On motion of Senator Edwards, the pending bill was postponed, the rules suspended, and House Bill No. 355, "An Act to amend an act entitled, 'An Act to organize the County Courts, and define their powers and jurisdiction,' approved June 16, 1876," was taken up and referred to Judiciary Committee No. 1.

Senator Terrell introduced a bill to be entitled: "An Act supplementary to and amendatory of, 'An Act to make an appropriation for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years.'"

Read by caption, and referred to Judiciary Committee No. 1.

House Bill No. 411 (the appropriation bill), being the unfinished business, was taken up, pending the motion of Senator Edwards to reconsider the vote rejecting the 33d amendment of the Finance Committee to the bill, which carried by the following vote, and vote reconsidered:

YEAS—Senators Brady, Brown, Burton, Crain, Ford, Ledbetter, Piner, Ripetoe, Stephens, Storey, Thompson—11.

NAYS—Senators Ball, Blassingame, Douglass, Francis, Grace, Henry J. R., Henry F. M., Martin, McCormick, Wortham—10.

NOT VOTING—Senators Edwards, McCulloch, Moore, Motley, Smith, Terrell—6.

The 33rd amendment of the committee, the vote on which had been just reconsidered, was adopted by the following vote:

YEAS—Senators Brady, Brown, Burton, Crain, Ford, Ledbetter, McCulloch, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Francis, Grace, Henry J. R., Henry F. M., Martin, McCormick, Moore, Wortham—10.

NOT VOTING—Senators Douglass, Edwards, Motley—3.

Senator Grace offered the following amendment:

Amend by adding the sum of "\$3,000 for repairing the Governor's mansion, out-houses, fencing, and furnishing water, watering apparatus, etc., to mansion grounds."

Adopted.

Senator Ford offered the following amendments:

Under heading, "Comptroller's Office," strike out all after the words, "Warrant Clerk," in line 6, and insert, "\$1,800," in first column, "\$1,800," in second column, and "\$600," in third column.

Adopted.

Under heading, "Pensions," strike out all after the words, "present

law," and insert, "\$40,000," in first column, "\$40,000," in second column, and "\$13,333.33 $\frac{1}{3}$," in third column.

Lost.

Senator Ledbetter in the chair.

Under heading, "General Land Office," line 3, strike out all after the words, "Spanish Clerk," and insert, "\$2,000," in first column, "\$2,000," in second column, and "\$666.66 $\frac{2}{3}$," in third column.

In line 10, strike out all after the words, "Corresponding Clerks," and insert, "\$3,000," in first column, "\$3,000," in second column, and "\$1,000," in third column.

In line 20, strike out all after the words, "and furniture," and insert, "\$3,000," in first column, "\$3,000," in second column, "\$1,000," in third column.

The amendment was divided:

The first clause of the amendment was lost.

The second clause was lost.

The third was adopted.

Senator Crain offered the following amendment:

Amend by adding to the bill a section, to be enumerated:

"Sec. 3. That the near approach of the close of the session, and the accumulation of important bills, create an imperative public necessity for the suspension of the rules in order that this bill may be immediately passed.

Adopted.

Also, the following:

On page 5, under head of, "Treasury Department," in line 5, strike out in first and second column, "\$900," and insert, "\$1,000;" in third column strike out, "\$300," and insert, "\$333.33 $\frac{1}{3}$."

Adopted.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 218—"An Act to provide for the enforcement of contracts for labor."

Senate Bill No. 392—"An Act to provide for a regular term of the District Court in Rains county."

Also, that the House has concurred in Senate amendments to House Bill No. 160—"An Act fixing the times of holding the District Courts of the Seventh Judicial District of the State of Texas."

The President signed, after reading its caption, Senate Bill No. 82, "An Act to create the Department of Insurance, Statistics, and History."

House Bill No. 411 resumed.

Senator Terrell offered the following:

Amend in line 15, page 9, by adding in second column, "\$1,500."

Adopted.

Senator Wortham offered the following amendments:

Under heading, "Deaf and Dumb Asylum," add after line 5: "Salary of instructor in printing, \$1,000," in first column, "\$1,000," in second column, and "\$333.33 $\frac{1}{3}$," in third column.

Adopted.

Also, the following:

Add in line 16: "For printing material, \$500," in first column.

Adopted.

Senator Smith moved to reconsider the vote adopting Senator Crain's second amendment.

Senator Storey offered the following amendment:

"For surveying and defraying all expenses for setting aside three millions of acres of land, for the erection of a State Capitol, and other public buildings, \$30,000."

On motion of Senator Grace, the amendment was laid on the table.

Senator Piner offered the following amendment:

Amend page 9, line 3, under "Lunatic Asylum Department," by striking out, "\$800," in first column, "\$800," in second column, and "\$266.66 $\frac{2}{3}$," in third column, and inserting in first column, "\$1,200," in second column, "\$1,200," and in third column, "\$400."

Adopted.

A message was received from the House, announcing that that body had passed the following bills:

House Bill No. 275—"An Act to authorize the Comptroller of Public Accounts to issue duplicate warrants."

Senate Bill No. 341—"An Act to exempt the persons and property of Indianola from payment of certain taxes."

Senate Bill No. 377—"An Act to relieve from taxation the property of certain citizens of Matagorda and Brazoria counties."

Senate Bill No. 217—"An Act to encourage stock raising, and for the protection of stock raisers," with certain amendments.

Senator Storey, Chairman of Finance Committee, by leave, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Finance Committee, to whom was referred Senate Bill No. 390, entitled, "An Act supplementary to 'An Act to make an appropriation for the deficiencies for the present year, beginning September 1, 1875, and ending August 31, 1876,' and previous years," have had the same under consideration, and instruct me to report it back, and recommend that it do pass.

STOREY, *Chairman.*

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared, and found correctly enrolled, Senate Bill No. 82, entitled, "An Act to create the Department of Insurance, Statistics and History." The same has been properly signed, and presented to the Governor this day, at 5:35 o'clock, P. M., for his approval.

GRACE, *Chairman.*

On motion of Senator Smith, the Senate adjourned till to-morrow morning at 9 o'clock, by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Ford, Grace, Henry F. M., Ledbetter, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—16.

NAYS—Senators Brady, Burton, Crain, Douglass, Edwards, Francis, Henry J. R., Motley, Wortham—9.

NOT VOTING—Senators Martin, Stephens—2.